



**INFORMATION PACKAGE FOR H2 VISAS AT  
AMERICAN CONSULATE HERMOSILLO  
January 2006**

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## **GUIDELINES FOR H2A AND H2B VISA APPLICATIONS AMERICAN CONSULATE HERMOSILLO**

**WHERE TO APPLY:** American Consulate, Monterrey 141, Hermosillo, Sonora, México.

**WHEN TO APPLY:** Because the processing of H2 visas requires a number of time consuming manual steps, we ask that you submit applications by no later than 8:30am the day of your appointment. Those arriving after 8:30am or with incomplete documents will be asked to return the next business day at 8:30am to start the process again – if appointment availability allows for rescheduling.

**APPOINTMENTS:** Appointments must be made two business days in advance by calling (662) 289-3500, ext. 3533. In the event of urgent circumstances, we will try to make exceptions to provide you the service you need. Due to increasing demand for H2 processing, biometric requirements, and additional administrative processing, we are no longer able to make exceptions to the two business day rule. Walk-ins are not accepted. To guarantee service, appointments must be confirmed two business days in advance; companies failing to inform the Consulate of any cancellations may not receive replacement appointments in a timely manner.

**NO SERVICE DAYS:** The Consulate will be closed for all U.S. and Mexican federal holidays. In addition, we do not process H2 visas on Fridays.

**ROLE OF REPRESENTATIVES / AGENTS:** Groups or individuals may be represented by an agent who presents all required documentation (passport, payment, etc.) to the Consulate before 8:30am. All representatives/agents must be previously authorized by the employer to process his/her applicants. If such letter is not in our files, the Consulate in Hermosillo will not process the applications.

**INTERVIEWS:** All applicants should be ready to be interviewed by 8:30am outside the main entrance of the Consulate and should be present in the same order as their passports were submitted to the Consulate. Please ensure that applicants are aware of this requirement, understand the order in which they should be standing, and that they should be prepared to enter the Consulate when called. Be sure that your applicants are not under the influence of alcohol.

### **DOCUMENTS REQUIRED FOR APPLICATION:**

**1. DHS Notice of Approval of H2 Petition:** To issue an H2 visa, the Consulate must have proof of the Department of Homeland Security (DHS) H2 Petition approval. Such proof may be in the form of the original Notice of Action Approval (form I-797) and/or the original Petition (form I-129) or direct notification from DHS that they have approved the Petition. Copies or facsimiles received from an employer, agent, or applicant can be accepted as proof of Petition approval if the original, approved petition is also presented at the time of the interviews. Employers or agents are urged to contact the Consulate in advance to verify that we have received notice of approval from DHS (662-289-3500, ext. 3533). We will not issue H2 visas without proper proof of DHS approval of the Petition.

**2. Company agreement:** (sample attached) The company agreement should be sent to the Consulate in Hermosillo prior to processing your applicants. This letter must be sent to us directly from the employer's office. Agents or representatives presenting letters from their own offices will not be accepted. If this agreement has not been signed and sent to us, applicants will not be processed. Please send an agreement every time you process a new petition number. Our fax number is: **011-52-662-217-2578.**

**3. Application for Participation:** (sample attached) All employers must fill out this application in reference to their company. This application will be sent to the Consulate to the above-mentioned fax prior to processing.

**4. Letter of Authorization from the petitioner.** (sample attached) The Letter of Authorization (LOA) is: (1) addressed to the Consulate; (2) dated; (3) notifies us who the H2 visa petitioner has authorized to act as its agent for purposes of processing visas in the Consulate; and (4) specifies the amount paid to the agent.

The LOA must originate from and be signed by the petitioner. The petitioner is the individual or entity identified in the box marked “PETITIONER” on the face of the I-797: Notice of Action or “COMPANY” or “ORGANIZATION NAME” in the I-129 forms generated by DHS. If two or more petitioners appear in this space, then both/all must provide separate LOAs. If the petitioner is a corporation or association, then the LOA must be signed by an officer with authority to communicate on behalf of the organization.

Each time the petitioner processes a new petition, an updated LOA must be sent to the Consulate. If we do not have an LOA on file from the petitioner, applicants will not be processed. We ask that the petitioner use all deliberate speed to facilitate the transmission of the LOA to us.

You may send the LOA to the Consulate via fax 011-52-662-217-2578, e-mail [hermoniv@state.gov](mailto:hermoniv@state.gov), or via mail to the following address:

NIV Section  
Director of the H2 Visa Program  
American Consulate Hermosillo  
P.O. Box 1689  
Nogales, AZ 85628

**5. Copy of Contract:** A copy of the contract the workers will sign needs to be sent to us when you send the application for participation. Contracts should mention: (1) kind of work applicants will do, (2) wages and overtime payment, (3) location of work, (4) benefits [transportation, food, housing, etc.], (5) duration of contract, (6) option on contract termination, (7) working hours and breaks, (8) medical service, (9) reasons for contract termination, (10) compensations, (11) tax withholding, (12) sick leave, (13) holidays, and (14) workplace safety and safety equipment provided.

**6. List of Applicants:** (sample attached) Send a list of applicants every time you process workers. Do not name applicants who were or will be processed; mention only those who are coming on the appointment date. Underneath your letterhead please write in bold and big letters the day you will process your visas (appointment day). List each one of your applicants in alphabetical order, except in cases when family members (i.e. parents and children, husband and wife) are applying at the same time. Family members should be listed following the head of household. If the applicant is a substitution, please mention in the last column the person who was replaced. Please remember that once a beneficiary has been substituted on the petition with another applicant, that beneficiary may not be issued.

**7. Proof of Applicants' Ties to Mexico:** H2 applicants are subject to U.S. immigration laws governing the issuance of non-immigrant visas. Section 214(b) of the Immigration and Nationality Act (INA) states that “[e]very alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer . . . that he is entitled to non-immigrant status.” This law requires H2 applicants to overcome the presumption that they intend to immigrate to the United States. They can do so by showing strong family and social ties to Mexico.

H2 temporary worker visa applicants are usually without employment in Mexico and generally have no significant economic resources. Often the only evidence of significant ties to Mexico an H2 applicant will have is proof that he/she maintains a home in Mexico where close family members continue to reside. Applicants who have lived in the U.S. without inspection or permission and are ineligible under sections

212(a)(9)(B)(i) (i.e. physically present in the U.S. without proper documentation for a period of more than 180 days but less than 365 days in the previous three years) or 212(a)(9)(B)(ii) (i.e. physically present in the U.S. without proper documentation for a period of more than 365 days within the previous ten years but after April 1, 1997) will not qualify for the visa. Also, any applicant who has attempted to enter the U.S without inspection in the past 12 months will be found ineligible for H2 visas. Applicants who have permanent ineligibilities will also not qualify. Please note that false declarations on the visa application form or submission of false documents may result in permanent ineligibility for visas and other immigration benefits.

Family members of the principal applicant are discouraged from applying for H4 visas and in many cases are denied.

**8. Valid Mexican Passport:** Passports must have at least two months of validity at the moment of applying for the visa and must be in good condition.

**9. Banamex Receipt:** Every visa applicant must pay a non-refundable application fee of US\$100 (or equivalent in Mexican pesos) at any branch of Banamex bank. After said payment, Banamex will issue the applicant a receipt as evidence of payment. This receipt must be stapled to the visa application.

**10. Visa Application:** The visa application form (Form DS-156) must be completed and signed by the applicant. If any question is not answered, the application will be marked and returned together with the passport for completion of a new application and resubmission at a future date. Please be advised that you must have an appointment for resubmission of applications.

Please write the petitioner's name (same as in I-797 or I-129) and receipt number on the upper part of the DS-156. The answer to question 24 (address in the U.S.) must contain the employer's address. The answer to question 25 (name and number of host in the U.S.) must include the name of the employer, the company that will employ the applicant in the U.S., and the company's telephone number. If a third party assists the applicant in filling out the form, the answer to question 39 must be "yes", and the third party must sign question 40 of the form under the signature of the applicant and include his/her full name, address and telephone number, and relationship to the applicant.

**Any representative (whether direct from the U.S. company or contracted out) who brings in more than ten applications must use the Electronic Visa Application Form** (Evisa form); see the website address below. If the applications are not completed in full using the Evisa form, they will be returned and a new appointment must be obtained.

The Consulate distributes visa application forms free of charge. The non-immigrant visa application may also be found at: <http://www.usembassy-mexico.gov/svisaform.pdf>.

You can also print your application through the Electronic Visa Application Forms. Once you have entered all the information, please print the form that will have the bar code information for us to process the visas. This form may be found at: <http://evisaforms.state.gov/>. This new procedure will help speed processing and allow for increased visa capacity at the Consulate.

**11. Supplemental Non Immigrant Visa** (Form DS-157): Per instructions of the Department of State, effective February 12, 2002, it is mandatory for all male applicants between the ages of 16 and 45 to fill out this form when applying for a non-immigrant visa. Form DS-157 can be found at: <http://www.usembassy-mexico.gov/suplementaria.pdf>.

**FINGERPRINTS:** Some applicants will be denied a visa because of a possible match in our namecheck security system. To continue the application process, we will need to take the applicant's fingerprints.

If you and your applicant want to proceed with the process, he or she must return to the Consulate any working day from 2:00pm – 4:00pm with a valid passport. This process costs US\$85 or the Mexican equivalent (cash or credit card), which the applicant must pay at the Consulate in Hermosillo.

This process takes approximately six weeks to complete. The Consulate will contact the representative to notify them when an applicant can be issued, and if the representative agrees, and space remains on the petition, we will issue the case.

**VISA FEE:** After the visa has been approved, the employer, agent, or applicant must pay the Consulate General Cashier a US\$100 (or equivalent in Mexican pesos) visa issuance fee. We accept the following forms of payment: (1) cash in U.S. dollars or Mexican pesos; (2) cashier's checks in U.S. dollars; (3) U.S. dollar denominated traveler's checks; (4) credit card (Visa, MasterCard, American Express, or Diner's) – note that credit cards issued in Mexico must be activated for international purchases; or, (5) a debit card embossed with the Visa or MasterCard logo, which also must be activated for international purchases.

✎ This fee is charged for all work visas pursuant to international treaty. ✎

**VISA ISSUANCE:** If the above requirements are met, applicants will be granted a multiple entry visa. Applicants or their agents should pick up the passports and visas at the Consulate at 2:00pm.

**EMPLOYER RESPONSIBILITIES:** When one of your employees is terminated, has left the job, or had an accident, **you are responsible for informing the American Consulate within 24 hours by fax:** full name (as appears on the visa), date of birth, Mexican state of birth, and reason for termination, leaving, or accident.

**RETURN PROGRAM:** Workers who have stamps in their passport asking them to return to the American Consulate have fifteen calendar days after the end of their contract to get their visa canceled. They must return to the U.S. Consulate in Hermosillo on any day the Consulate is open for business.

If you should have any questions, please feel free to contact us from the United States at 011-52-662-289-3500, ext. 3533 or e-mail: [hermoniv@state.gov](mailto:hermoniv@state.gov). Our fax number: **011-52-662-217-2578**.

**Non-Immigrant Visa Unit  
U.S. Consulate Hermosillo  
Tel: 662-289-3500; Fax: 662-217-2578; E-mail: [hermoniv@state.gov](mailto:hermoniv@state.gov)  
January 2006**

**H2 VISA PROGRAM – U.S. CONSULATE HERMOSILLO  
COMPANY AGREEMENT**

Companies wishing to participate in the Hermosillo H2 Program must agree to the following procedures:

1. Once a petitioning company receives the I-797 Approval Notice from the U.S. Immigration and Naturalization Service, the company should call or send a fax notification and Letter of Authorization to the Non-Immigrant Visa Unit of the Consulate (tel: 662-289-3500, ext. 3533 or fax: 662-217-2578), to make the appointments and bring the workers to the Consulate with their documents completed for their interviews. The company must also indicate if its representative has received or will receive any compensation from the employer company. If the agent is to charge each worker or petition beneficiary a fee for assistance in the recruiting and application process, the company must indicate the amount charged in the letter of authorization.

2. All applicants applying for their visas at the same time must be going to work on the same company/project and be listed in the same I-129 petition.

3. In addition to the valid passport and visa fee receipt from Banamex, workers are required to complete all questions and sign the DS-156. The September 2004 version is required. This version may be completed directly online at: <http://www.usembassy-mexico.gov/svisaform.pdf>. A DS-157 form is also required for male applicants in the ages of 16 to 45 years: <http://www.usembassy-mexico.gov/suplementaria.pdf>. The forms are also available through the Electronic Visa Application Form at: <http://evisaforms.state.gov/>.

4. All H2 workers must be present at the Consulate for a personal interview by a Consular Officer.

5. In addition to making an appointment, the company must provide our office with a typed list of all workers who will be interviewed in alphabetical order by last name, except in cases when family members are applying at the same time. If any named beneficiary needs to be substituted, the petitioner/employer may ask for a substitution by naming whom the new applicant is replacing.

6. The Consular Section may not be able to approve visas for applicants who have been found ineligible for a visa in the past, unless the only prior refusal was for a H2A/B visa. In some cases because of similar names and dates of birth as your worker, we are required by the Department of State to request fingerprints to be sent to the FBI's National Crime Investigation Center. We expect to receive the results of the fingerprint analysis approximately six to eight weeks after submission. This office will immediately notify the company by telephone or fax. The company may substitute for a worker requiring a fingerprint check, just as it may substitute for worker who is otherwise ineligible for a visa.

7. Companies must always inform the DHS (BCIS) and this office of any workers who did not return, had an accident, or were terminated.

I agree to the aforementioned process as a prerequisite to participate in the Hermosillo H2 Visa Program.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Name/Signature and Tel.

**APPLICATION FOR PARTICIPATION  
AND/OR  
CONTINUED PARTICIPATION IN THE  
H2 VISA PROGRAM, HERMOSILLO**

(Please complete all items on all pages and return to Consulate – Fax 662-217-2578)

1. Name: \_\_\_\_\_
2. Date and Place of Birth: \_\_\_\_\_
3. U.S. Citizen: Yes \_\_\_\_\_ No \_\_\_\_\_ U.S. Passport No.: \_\_\_\_\_  
If not a U.S. Citizen, CURP, passport, or voting card number: \_\_\_\_\_

If you own a company, please complete below:

4. Company Name: \_\_\_\_\_
5. Company taxpayer No. \_\_\_\_\_
6. Address: \_\_\_\_\_
7. E-mail: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_
8. Date company founded: \_\_\_\_\_

Have you or your company processed H2 visas at a U.S. Embassy or Consulate in any other countries?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, please provide the following information:

Countries: \_\_\_\_\_

Contact Names: \_\_\_\_\_

Date(s): \_\_\_\_\_

Your local representatives in those countries are: \_\_\_\_\_

\_\_\_\_\_

Your designated agent or representative in Hermosillo?

Full Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Place of Birth (Country and State): \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

## Letter of Authorization

**Please submit the following information on your company letterhead paper**

To: Consul  
American Consulate  
Hermosillo

From: Petitioner  
Petitioner's Business Address  
Petition Number (i.e. SRC-00-000-000000)  
E-mail: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Re: Letter of Authorization

I authorize only one agent, \_\_\_\_\_ to act as my agent/representative for the purposes of processing visas at the American Consulate in Hermosillo. This person is to be paid:

- ☐ A recruiting or agent fee by this company or
- ☐ By each applicant. The proposed fee is \$\_\_\_\_\_.

This letter of authorization is valid until explicitly revoked by notifying the Non-Immigrant Visa Section of said revocation.

Sincerely,

/s/  
Petitioner,                      Petitioner's Title (i.e. owner, manager, president)



## LIST OF APPLICANTS FOR H2 VISA PROCESSING

Date to be processed: \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

PETITION NUMBER: \_\_\_\_\_

PET. EXPIRATION DATE: \_\_\_\_\_

### PETITION INFORMATION:

Applicants approved in petition	
Applicants requested to be processed today	
Applicants left for future appointments	

RESPONSIBLE AGENT IN HERMOSILLO: \_\_\_\_\_

AGENT'S TELEPHONE NUMBER: \_\_\_\_\_

*In alphabetical  
order by  
last name, except in  
cases of family members*

No.	Applicant's Last Name	Applicant's Name	Substitution

Remarks: \_\_\_\_\_

Petitioner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

To be sent to the NIV Visa Section via fax (662-217-2578) or e-mail ([hermoniv@state.gov](mailto:hermoniv@state.gov)) by employer company. Agents may not make substitutions.